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IAB SH2282402 / FO2284601

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ACTIVITY LOG

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INVESTIGATIVE SUMMARY

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Deputy Anthony Forlano	Homicide interview
Deputy Anthony Forlano	IAB interview
Deputy Raymond Mendoza	Homicide interview
Deputy Raymond Mendoza	Homicide interview
Deputy Raymond Mendoza	IAB interview
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Deputy Michael Hernandez	Homicide interview
Deputy Michael Hernandez	IAB interview
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Vincent Moran	Homicide interview
Vincent Moran	Homicide interview
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George Ruiz	IAB interview
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[redacted]	Homicide interview
[redacted]	IAB interview
[redacted]	IAB interview
[redacted]	IAB interview
[redacted]	IAB interview

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VOLUME II

IAB SH2282402 / FO2284601

EXHIBITS

A Homicide Investigation Book, File #011-02295-0278-055

B Two photographs shown during Deputy Forlano's IAB interview

C Two photographs shown during Deputy Mendoza's IAB interview

D One diagram and two photographs shown during Deputy Hernandez' IAB interview

E One diagram and Taser download records shown during Deputy [redacted] IAB interview

F One map, one diagram and two photographs shown during Deputy Moran's IAB interview

G One diagram shown during Deputy Alvarez' IAB interview

H One diagram shown during Deputy Ruiz' IAB interview

I Pursuit evaluation form and route map

J Four (4) CD's containing digital crime scene photographs and involved personnel

K Suspect Ureta's Los Angeles County Jail medical records under booking #2644214

L Suspect Ureta's Los Angeles County Jail medical records under booking #2660863

M Traffic Services Detail analysis of collision damage sustained during the vehicle pursuit

N Dispatch Three radio traffic transcribed

MISCELLANEOUS DOCUMENTS

Admonition forms
East Los Angeles PM in-service dated 02-14-11
Deputy Forlano's firearms qualification records
Deputy Mendoza's firearms qualification records
Deputy Hernandez' firearms qualification records
Vehicle SD5600 damage documentation
Vehicle SD5671 damage documentation
Deputy [redacted] approved supplemental report
Suspect Ureta's jail records under booking #2644214
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IAB SH2282402 / FO2284601 / IV2299061

AUDIO/VIDEO TRACKING SHEET

PERSONNEL INVESTIGATION REPORT

INVESTIGATIVE SUMMARY

SUBJECT INTERVIEWS

Deputy Raymond Mendoza	IAB interview	(second interview)
Deputy Anthony Forlano	IAB interview	(second interview)
Deputy Michael Hernandez	IAB interview	(second interview)

EXHIBITS

O	District Attorney Letter of Opinion, dated August 30, 2011
P	One (1) map used during Deputy Mendoza's interview
Q	One (1) map used during Deputy Forlano's interview
R	One (1) map used during Deputy Hernandez' interview

MISCELLANEOUS DOCUMENTS

Admonition Forms
Memorandums requesting an administrative investigation

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: February 2, 2012
FILE NO:

OFFICE CORRESPONDENCE

FROM: JOSEPH S. HARTSHORNE, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: JOSEPH B. NUÑEZ, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2282402 / FO2284601 / IV2299061
Incident:	Hit Shooting / Use of Force
Incident Date:	February 14, 2011
Unit:	COPS Bureau / FOR II East Los Angeles Station / FOR I
Suspect:	Ureta, Osvaldo M/31
Involved Employees:	Deputy Anthony Forlano #[redacted] Deputy Raymond Mendoza #[redacted] Deputy Michael Hernandez #[redacted]
EFRC Date:	January 31, 2012

The Executive Force Review Committee consisting of Commander Joseph Hartshorne, Commander Michael Rothans, and Commander Anthony La Berge met and reviewed the above case.

FINDINGS:

The Committee determined the force used by Deputies Forlano, Mendoza, and Hernandez was objectively reasonable and in compliance with Department Policy.

RECOMMENDATIONS:

The Committee recommended the commander of East Los Angeles Station, Captain Henry Romero, discuss aspects of pursuit tactics, as they relate to this case, with Deputy Hernandez. The discussion is to be documented and a copy of that document shall be sent to the Executive Force Review Committee.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FR JD AND CORRUPTION PROSE JTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
PATRICK R. DIXON • Assistant District Attorney

JANICE L. MAURIZI • Director

August 30, 2011

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #11-0117
L.A.S.D. File #011-02295-0278-055

Dear Captain Smith,

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 14, 2011, non-fatal shooting of Osvaldo Ureta by Los Angeles County Sheriff's Deputies Anthony Forlano, Raymond Mendoza and Michael Hernandez. It is our conclusion that Deputies Forlano, Mendoza and Hernandez acted in lawful self-defense and defense of another.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office by Detective Frank Salerno, LASD Homicide Bureau. The District Attorney's Command Center was notified of the shooting on February 14, 2011, at approximately 10:02 p.m. The District Attorney Response Team (DART), comprised of Deputy District Attorney Fernando Guzman and District Attorney Senior Investigator [redacted] responded and was given a briefing and a walk-through of the scene. Deputies Forlano, Mendoza and Hernandez provided voluntary statements to investigators which were considered as part of this analysis.

FACTUAL ANALYSIS

On February 14, 2011, at approximately 8:00 p.m., LASD Deputies Anthony Forlano and Raymond Mendoza received a call on their Mobile Digital Terminal (MDT) indicating that a white 2004

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
Fax: (213) 620-1208
WEBSITE: http://da.co.la.ca.us

Cadillac Escalade had been reported stolen.[1] Approximately 15 minutes later they saw the Escalade while traveling north on Townsend Avenue. The Escalade was traveling south on Townsend Avenue toward the deputies' vehicle.[2]

Townsend Avenue is a narrow street with barely enough room for two vehicles to pass each other. As the two vehicles approached each other at approximately 4-5 miles per hour, the deputies noticed that the last three numbers of the license number matched those of the stolen Escalade. The front left fender of the Escalade brushed against the front left push bar on the patrol vehicle. The Escalade continued moving as Forlano yelled to the driver to stop the Escalade.[3] The driver, later identified as Osvaldo Ureta, turned his upper body to the left, raised his right arm and pointed a small black semiautomatic handgun at the deputies. Ureta accelerated southbound side-swiping the rear quarter panel of the patrol vehicle with the Escalade.[4]

Forlano drove the patrol vehicle in reverse to Olympic Boulevard where he turned the vehicle and initiated a pursuit of the Escalade with lights and siren. Forlano transmitted a radio broadcast indicating that they were in pursuit of an assault with a deadly weapon suspect.[5]

During the pursuit Ureta drove through residential and commercial areas, and entered and exited the Interstate 5 Freeway. The pursuit lasted approximately 6 minutes and covered approximately 4.5 miles. Ureta ran through 9 stop signs, 7 red lights and reached speeds of up to 90 miles per hour. He weaved in and out of traffic and narrowly missed striking pedestrians and vehicles. Ureta struck at least one parked vehicle.

After exiting the freeway Ureta was traveling north on Sunol Drive when he abruptly stopped the Escalade, causing the patrol vehicle to strike the rear end. Ureta sped away again turning west on Boswell Place. Immediately after turning onto Boswell Place, Ureta again stopped abruptly. Forlano swerved to the left and stopped the patrol vehicle on the left side of the Escalade.

Deputies Hernandez and Moran joined the pursuit on Olympic Boulevard and was the only other patrol unit present when it ended.[6] When Unit 25A swerved to the left of the Escalade, Hernandez stopped his vehicle on the right side of the Escalade. The front of both patrol vehicles was parallel to the front windshield of the Escalade. The patrol vehicles were within 1 foot of the Escalade.

Immediately after the 3 vehicles stopped Forlano and Mendoza saw Ureta turn his upper body to the left and raise his right arm toward the deputies. This was the same motion Ureta made when pointing the handgun at them earlier. Believing Ureta was about to discharge a handgun in their direction, Forlano fired 8-10 rounds at Ureta. Mendoza simultaneously fired 3-4 rounds at Ureta.

---

[1] Forlano and Mendoza were working Patrol Unit 25A.
[2] The deputies were wearing standard issue LASD patrol uniforms and driving a marked black and white patrol vehicle.
[3] The driver's windows of both vehicles were open.
[4] Ureta was the sole occupant of the Escalade.
[5] The deadly weapon he was referring to was the handgun, although he did not state this.
[6] Hernandez was the driver and Moran the passenger of Unit 24, a marked black and white patrol vehicle.

Hernandez did not see Ureta, but heard gunshots and glass breaking. Believing that Ureta was firing a handgun at him, Hernandez fired 2-3 rounds at Ureta. Moran retrieved a shotgun from the patrol vehicle and moved to a position on the left side of Unit 25A.

Ureta had his left hand on the steering wheel and his right on the gear shift. Although he had been shot several times and appeared to be bleeding, he continued to attempt to drive the Escalade. He struck the patrol vehicles several times as he did so. The Escalade was wedged between the patrol cars and had a flat tire.

Other LASD units arrived to assist. Ureta continually ignored deputies' orders to show his hands and exit the vehicle. As deputies approached him he abruptly dropped his hands toward his waist. Deputy [redacted] deployed his Tazer which appeared to disable Ureta. He was removed from the Escalade and handcuffed without further incident.

Further Investigation

No handgun was found in the Escalade. However, both Forlano and Mendoza stated that they saw a small semiautomatic handgun in Ureta's right hand prior to the initiation of the pursuit. The deputies involved lost sight of the Escalade several times during the pursuit. A search of the 4.5 mile pursuit route failed to produce a handgun.

Involved Deputies' Statements

The 4 deputies present at the scene of the shooting were interviewed. Their statements were consistent in every material aspect.

Witness Statements

Deputies canvassed the neighborhood immediately following the incident and contacted 29 persons. Seven persons stated that they did not hear or see the incident. Twenty-one persons heard only the sound of gunshots, but did not see anything.

[redacted] was standing on the sidewalk when he saw the Escalade going north on Sunol Drive. The Escalade stopped at Union Pacific Avenue and proceeded north on Sunol Drive at a high rate of speed. When turning west on Boswell Place the Escalade began to lose control and collided with a patrol car.

When the vehicles stopped a deputy exited a patrol car. The driver of the Escalade was moving his upper body to his left and moving his arms up and down, possibly reaching for a weapon. The driver appeared to be trying to exit the vehicle. [redacted] heard 4-5 gunshots and dropped to the ground. When he stood again he saw the driver still moving back and forth in the driver's seat. Deputies approached and extracted him from the Escalade.

Ureta's Medical Condition

Ureta survived 8 gunshot wounds. Detectives described him as alert and understanding when they spoke to him on February 22, 2011. Ureta was advised of his Miranda rights, stated that he understood and declined to speak about the incident.

CONCLUSION

California law permits the use of deadly force in self-defense or in defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed he or others were in imminent danger of great bodily injury or death.

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation. Graham v. Conner, (1989) 490 U.S. 386, 396-397.

The evidence examined in this investigation shows that Deputies Forlano and Mendoza saw Ureta point a handgun at them from a distance of approximately 5-10 feet. Ureta led the deputies on a pursuit which endangered the lives of the deputies, pedestrians and occupants of vehicles on the roadway. He was driving a stolen vehicle which he purposely used to strike the patrol car, in an attempt to escape apprehension. Not having seen Ureta discard the handgun, the deputies reasonably believed he intended to shoot them when they discharged their service weapons.

Deputy Hernandez did not see Ureta possess a weapon. However, he was aware that Ureta was wanted for assault with a deadly weapon upon a police officer. Therefore, when he heard the sound of gunfire and glass breaking he reasonably believed Ureta was firing at him. His response in firing 2-3 rounds in the direction of the suspect's vehicle was reasonable.

Based on our examination of the evidence, we conclude that Deputies Forlano, Mendoza and Hernandez acted in lawful self-defense and defense of another when deadly force was used against Osvaldo Ureta. Therefore, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

FERNANDO GUZMAN
Deputy District Attorney
(213) 974-3888

c: Deputy Anthony Forlano, #[redacted]
Deputy Raymond Mendoza, #[redacted]
Deputy Michael Hernandez, #[redacted]

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
02-14-11	FORI / East Los Angeles	☐	☒

Incident Information

URN:	Date:	Time:
011-02295-0278-055	02-14-11	2015 Hrs.

City or Station: East Los Angeles

Location: Sunol Dr. & Boswell Pl.

Nature of Incident: Suspect was driving an unreported stolen vehicle and pointed a handgun at deputies. Suspect led deputies on a vehicle pursuit and braked aggressively causing units to collide into his vehicle. A deputy involved shooting occurred at the pursuit terminus.

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street** (circled), Other: ______

Lighting (*circle only one*): **Darkness** (circled), Daylight, Other, Street Lights

Weather (*circle only one*): Clear, **Cloudy** (circled), Fog, Rain

Distance: 6'

Incident Type (*circle one or more*): Accidental, Armed Person, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, **Unarmed Person** (circled), Unintentional, **Vehicle Pursuit** (circled), Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, **Observation** (circled), One Person Unit, Other, Search Warrant, **Two Person Unit** (circled)

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
19	0

Aero Unit? ☒ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Moran	Vincent	-----	EM **PM** (circled) Day	**Regular** (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]

Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	M.I.

Street Address	City	Zip Code	Work Ph	Home Ph

Last Name	First Name	M.I.

Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Duran	Michael	--	**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting
[redacted]	Smith	Thomas	J.	**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Escobedo	Sergio	V.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Carr	Tim	D.

PSTD Use Only

SH # ______

See Reverse

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
02-14-11	2120 Hours	09-06-11	

Employee #	Last Name	First Name	M.I
[redacted]	Ault	Alicia	E.
[redacted]	Smeltzer	Chad	E.
[redacted]	Kim	Patrick	--

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC						
S#1	E#2	UC						
S#1	E#3	UC						
E#1	S#1	FH	BR	9	Y	Y	GS	HE
E#1	S#1	FH	BR	9	Y	Y	GS	CH
E#1	S#1	FH	BR	9	Y	Y	GS	HD
E#2	S#1	FH	BR	9	Y	Y	GS	HE
E#2	S#1	FH	BR	9	Y	Y	GS	CH
E#2	S#1	FH	BR	9	Y	Y	GS	HD
E#3	S#1	FH	BR	9	Y	Y	GS	HE
E#3	S#1	FH	BR	9	Y	Y	GS	CH
E#3	S#1	FH	BR	9	Y	Y	GS	HD

Officer Involved Shooting
Involved Employee Information

URN: 011-02295-0278-055

Involved Employee

E 1

Employee # [redacted]	Last Name: Forlano	First Name: Anthony	M.I.: --
Sex: M Race: H	Rank: Deputy Sheriff	Unit Assignment: COPS Bureau	Work Assignment (Unit #, Module, etc.): 25A
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: 6 hours	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 601	Weight: 225		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 5 Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9mm # Shots: 10	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 2

Employee # [redacted]	Last Name: Mendoza	First Name: Raymond	M.I.: D.
Sex: M Race: H	Rank: Deputy Sheriff	Unit Assignment: ELA	Work Assignment (Unit #, Module, etc.): 25A
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: 6 hours	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 600	Weight: 190		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9mm # Shots: 6	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # -----	Last Name -----	First Name -----	M.I. -----

E 3

Employee # [redacted]	Last Name: Hernandez	First Name: Mike	M.I.: A.
Sex: M Race: H	Rank: Deputy Sheriff	Unit Assignment: ELA	Work Assignment (Unit #, Module, etc.): 24
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: 7 hours	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 508	Weight: 200		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9mm # Shots: 3	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # -----	Last Name -----	First Name -----	M.I. -----

See Other Side

Officer Involved Shooting
Suspect Information

URN: 011-02295-0278-055

Suspect Information

S 1

Last Name: Ureta		First Name: Osvaldo	M.I.: --
AKA Last Name: "Ozzy"		First Name:	M.I.:
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	[redacted] & Zip Code: [redacted]
Work Phone:	Hom[redacted]	Social Securi[redacted]	Driver's Licens[redacted]
Age: 31 D.O.B.: 01-04-80	Height: 600 Weight: 210	FBI #: [redacted]	CII #: [redacted]
Booking #: 2644214 & 2660863	Primary Charge: 245(D)(1) PC	Secondary Charge: 10851(A) CVC	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Cadilac		Model: Escalade	Year: 2004

S __

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.:	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S __

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.:	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

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Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

See Other Side

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

CASE NUMBERS: SH2282402 / FO2284601 / IV2299061

SUBJECTS: Anthony Forlano, Deputy, #[redacted]
Raymond D. Mendoza, Deputy, #[redacted]
Michael A. Hernandez, Deputy, #[redacted]

STATION/UNIT/BUREAU: East Los Angeles Station/Field Operations Region I
COPS Bureau/Field Operations Region II

DATE/TIME/DAY: February 14, 2011, 2015 hours, Monday

LOCATION: 4300 block Boswell Place
Los Angeles, CA 90012

Synopsis:

On October 13, 2011, the Executive Force Review Committee, which consisted of Commanders Thomas G. Martin, David L. Fender, and Joseph S. Hartshorne reviewed the vehicle pursuit, deputy involved shooting and force incident documented in IAB #SH2282402 and #FO2284601. The committee requested an administrative investigation regarding the actions of Deputies Anthony Forlano, Michael A. Hernandez and Raymond D. Mendoza.

The interview narratives which follow are intended only as a synopsis of the IAB interviews. Additional information and precise wording may be obtained by reviewing the audio recorded interviews and verbatim transcripts.

Deputy Raymond D. Mendoza, #[redacted]

On November 28, 2011, IAB investigators conducted a second interview with Subject Mendoza. Subject Mendoza said he did not provide the mandated criteria for initiating a vehicle pursuit or the specific reason for the vehicle pursuit. Subject Mendoza explained it was clear in his mind the reason for the vehicle pursuit was related to an assault with a deadly weapon, the weapons being both a vehicle and a firearm. Subject Mendoza said he did not initiate the radio broadcast and he did not recall advising assisting units that Suspect Ureta had been seen with a firearm.

As the vehicle pursuit progressed, he pointed out traffic hazards to his partner who was driving. Subject Mendoza did not point his firearm at Suspect Ureta or his vehicle during the vehicle pursuit. Subject Mendoza did not recall his patrol car coming into contact with Suspect Ureta's vehicle on Sunol Drive as they traveled south after exiting the 5 Freeway.

As the vehicle pursuit progressed southbound on the 5 Freeway, initially Subject Forlano's and Subject Mendoza's vehicle was the secondary pursuit unit. While on the 5 Freeway, Subject Forlano and Subject Mendoza's vehicle became the lead pursuit vehicle. Subject Mendoza did not recall broadcasting or hearing a broadcast related to the change of vehicle pursuit positioning, from secondary to lead pursuit vehicle.

Subject Mendoza did not recall his patrol car rear-ending Suspect Ureta's vehicle in the area of Marianna Avenue and Triggs Street, as his partner Subject Forlano stated in his second Homicide interview.

> **IAB Note: During Subject Mendoza's second IAB interview, a Google map [Exhibit P] of the vehicle pursuit area was utilized to assist in recounting the vehicle pursuit route after exiting the southbound 5 Freeway.**

Subject Mendoza said his vehicle's positioning at the pursuit termination location placed him in a position of disadvantage because of his vehicle's proximity to Subject Ureta's vehicle, and because Suspect Ureta's vehicle was higher than his patrol car. Subject Forlano did not discuss using their patrol car to pin Suspect Ureta's vehicle. Subject Mendoza said his patrol car positioning at the pursuit termination location provided limited cover.

When Subject Forlano placed his firearm near Subject Mendoza, during the shooting, it did not impede Subject Mendoza's actions, and he was able to aim his firearm at Suspect Ureta appropriately.

Subject Mendoza did not see Suspect Ureta attempt to open the driver door of his vehicle during the shooting and Suspect Ureta did not raise his hands in a surrender fashion. Subject Mendoza ceased shooting at Suspect Ureta when Suspect Ureta turned to the right away from Subject Mendoza. Subject Mendoza also stopped shooting so he could exit the patrol car. Subject Mendoza told Subject Forlano to exit the patrol car.

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

Deputy Anthony Forlano, #[redacted]

On December 5, 2011, IAB investigators conducted a second interview with Subject Forlano. Subject Forlano said he telephoned Homicide Detective Salerno because he had been told to contact the detectives, if he recalled more details related to the incident. Subject Forlano recalled additional information regarding the pursuit route, and he was concerned about rumors he heard that a shell casing had been located on Sunol Drive.

Subject Forlano said he did not have an explanation why an expended shell casing from his firearm was located on Sunol Drive, south of Boswell Place. Subject Forlano confirmed that he did not recall shooting his firearm during the vehicle pursuit.

Subject Forlano did not recall broadcasting if his vehicle was the lead or secondary pursuit vehicle during the pursuit. Subject Forlano did not point his firearm at Suspect Ureta or his vehicle during the vehicle pursuit. Subject Forlano provided the mandatory vehicle pursuit criteria at the beginning of the pursuit. He thought he had announced Suspect Ureta was wanted for an assault with a deadly weapon involving a firearm. Subject Forlano said it was possible he keyed the microphone too soon and the information was not broadcast.

Subject Forlano said he remembered one rear-end collision involving his patrol car and Suspect Ureta's vehicle. He said the collision occurred in the area of Marianna Avenue and Triggs Street.

> **IAB Note: In Subject Forlano's first Homicide interview he recalled his patrol car rear-ended Suspect Ureta's vehicle in the area of Union Pacific Avenue and Sunol Drive. During Subject Forlano's second interview, he recalled the collision occurred at Marianna Avenue and Triggs Street.**

During the vehicle pursuit, Subject Forlano did not recall his patrol car colliding with Suspect Ureta's vehicle as he drove southbound Sunol Drive, after exiting the southbound 5 Freeway.

> **IAB Note: During Subject Forlano's second IAB interview, a Google map [Exhibit Q] of the vehicle pursuit area was utilized to assist in recounting the vehicle pursuit route after exiting the southbound 5 Freeway.**

Subject Forlano did not recall broadcasting that his patrol car changed from the secondary pursuit vehicle to the primary pursuit vehicle as he pursued Suspect Ureta southbound on the 5 Freeway. Subject Forlano recalled an Aero unit was broadcasting information related to the vehicle pursuit at the time of the change in pursuit vehicle positioning.

At the pursuit termination location, Subject Forlano's vehicle positioning was not his intended stopping location. Subject Forlano's vehicle positioning placed him at a disadvantage related to Suspect Ureta's vehicle. Subject Forlano did not pull his vehicle forward of Suspect Ureta's vehicle because it would have placed him in a more dangerous position.

Subject Forlano did not back his vehicle away from Suspect Ureta's vehicle, because he did not feel there was enough time to react. He could not recall if there was anything that would have impeded his vehicle's rearward path. Subject Forlano did not intend to pin Suspect Ureta's vehicle with his vehicle during the vehicle pursuit or at the terminus. Subject Forlano did not see Suspect Ureta attempt to open the driver's door of his vehicle at the pursuit termination location. Subject Forlano did not see Suspect Ureta raise his hands in a surrender type fashion.

As Subject Forlano fired his weapon at Suspect Ureta, he aimed at Suspect Ureta's upper torso and could not recall if he held his firearm with one or two hands. When Subject Forlano exited his patrol car after shooting at Suspect Ureta, he could not recall if he communicated the movement with his partner, Subject Mendoza. Subject Forlano made his initial notification regarding his involvement in the shooting to a sergeant at the scene of the shooting, but he could not recall which sergeant.

Deputy Michael A. Hernandez, #[redacted]

On December 5, 2011, IAB investigators conducted a second interview with Subject Hernandez. Subject Hernandez said as he began to pursue Suspect Ureta's vehicle for assault with a deadly weapon, he did not know what weapon Suspect Ureta had used in the commission of the crime. During the vehicle pursuit, Subject Hernandez did not broadcast his patrol car was the lead or secondary pursuit vehicle.

Subject Hernandez did not point his firearm at Suspect Ureta or Ureta's vehicle during the vehicle pursuit. During the vehicle pursuit, Subject Hernandez discussed contingency plans with his partner Witness Moran. The plans discussed consisted of traffic hazards during the vehicle pursuit, what to do if multiple suspects were in the vehicle, and not pass the suspect vehicle, until it was cleared to verify no other suspects were inside.

During the vehicle pursuit on the southbound 5 Freeway, Subject Hernandez did not broadcast when his vehicle positioning changed from secondary pursuit vehicle to primary pursuit vehicle. Subject Hernandez did not see any collisions between Subject Forlano's vehicle and Suspect Ureta's vehicle during the pursuit. Subject Hernandez did not recall his patrol car colliding with anything on Sunol Drive.

Subject Hernandez was unable to recreate the pursuit route using a Google map **[Exhibit R]**. Subject Hernandez could not recall the vehicle pursuit route between the 5 Freeway and the pursuit termination location.

Subject Hernandez said at the pursuit termination location, his vehicle positioning was not his intended stopping position, and he did not know how his vehicle came to rest in that position. Subject Hernandez' vehicle positioning at the termination location provided him a tactical advantage because he was able to exit his patrol car. Subject Hernandez was at a disadvantage because he did not know the number of suspects or what their actions would be.

Subject Hernandez said there was nothing impeding him from backing his vehicle away from Suspect Ureta's vehicle. Subject Hernandez could not move his vehicle forward because he would have struck Suspect Ureta's vehicle, and it would not have been appropriate because it was a felony vehicle stop.

Subject Hernandez shot at Suspect Ureta one handed and he stopped shooting when Suspect Ureta was no longer a threat. Subject Hernandez described after he shot at Suspect Ureta, he backed up, pointing his firearm toward Suspect Ureta as he directed Witness Moran to move from their vehicle to Subject Forlano's patrol car.

Subject Hernandez did not see Suspect Ureta raise his hands in surrender type fashion. Subject Hernandez made his initial notification of his involvement in the shooting to a sergeant at the scene, but could not recall the sergeant's name.

Additional Information:

On August 30, 2011, the Los Angeles County District Attorney's Office provided a Letter of Opinion **[Exhibit O]** related to the shooting incident. The DA's opinion was, "Deputies Forlano, Mendoza and Hernandez acted in lawful self-defense and defense of another."